



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Steve Tate, Mayor Pro Tempore
Larry Carr, Council Member
Mark Grzan, Council Member
Greg Sellers, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Steve Tate, Vice-Chair
Larry Carr, Agency Member
Mark Grzan, Agency Member
Greg Sellers, Agency Member

WEDNESDAY, NOVEMBER 2, 2005

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:00 P.M.

A Special Meeting of the City Council and Redevelopment Agency is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions; and a Special Redevelopment Agency Meeting is called at 7:00 P.M. for Conducting Redevelopment Agency Business.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:00 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 3

2.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code Section 54956.9(a)
Case Name: Berkman v. City of Morgan Hill et al.
Case Number: Santa Clara County Superior Court, 1-04-CV-031021
Attendees: City Council, City Manager, John Flegel

3.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Authority: Government Code 54957
Public Employee Performance Evaluation: City Manager
Attendees: City Council, City Manager

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORT

Council Member Sellers

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.
(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE CITY CLERK.
(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.

City Council Action

CONSENT CALENDAR:

ITEMS 1-12 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

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Consent Calendar: 1 - 10 Minutes

1. **RE-BUDGETING 2004-2005 PROJECTS/PROGRAMS**..... 1
Recommended Action(s): Approve the Re-Budgeting of 2004-2005 Project/Program Costs in the 2005-2006 Budget.

2. **APPROVE PURCHASE ORDER FOR EQUIPMENT AND LABOR FOR THE NEW POLICE FACILITY** 5
Recommended Action(s): Authorize the City Manager to Approve a Purchase Order in the Amount of \$7,841.27 to Verizon Telephone Company for the Additional Cost of the Installation of Upgraded Phone Equipment and Labor to Complete the Project at the New Police Facility.

3. **APPROVAL OF A RESOLUTION IN SUPPORT OF GUIDELINES AND STANDARDS FOR LAND USES NEAR STREAMS AND THE 2005-2006 IMPLEMENTATION PROGRAM OF THE SANTA CLARA VALLEY WATER RESOURCES PROTECTION COLLABORATIVE**..... 7
Recommended Action(s): Adopt the Resolution in Support of the Guidelines and Standards for Land Uses Near Streams and the 2005-2006 Implementation Program of the Santa Clara Valley Water Resources Protection Collaborative.

4. **AWARD FARALLON DRIVE STORM DRAIN SYSTEM AND MISCELLANEOUS STORM DRAIN REPAIR PROJECT** 13
Recommended Action(s):
 1. **Award** Contract to Casey Construction for the Construction of the Farallon Drive Storm Drain System and Miscellaneous Storm Drain Repair Project in the Amount of \$347,685, Subject to Review and Approval by the City Attorney; and
 2. **Authorize** Expenditure of Construction Contingency Funds, Not to Exceed \$34,768.

5. **RESOLUTION SUPPORTING AHWAHNEE WATER PRINCIPLES FOR RESOURCE-EFFICIENT LAND USE** 17
Recommended Action(s): Adopt Resolution.

Time Estimate

Consent Calendar: 1 - 10 Minutes

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6. **PURCHASE OF REPLACEMENT PHOTOCOPIER AND A PRINTER FOR COMMUNITY DEVELOPMENT DEPARTMENT**..... 23
Recommended Action(s):
 1. **Authorize** the Purchase of a New Copier and a Color Printer for the Community Development Department through Rabbit Office Automation for a Total Cost of \$29,023;
 2. **Declare** the Existing Photocopier as Surplus and **Authorize** Disposal by the Purchasing Officer; and
 3. **Authorize** the City Manager to Execute the Maintenance Agreement, Subject to Review and Approval by the City Attorney.

7. **APPROVE MARKETING STUDY TO EVALUATE POSSIBLE PARTNERSHIP OPERATING MODEL FOR THE INDOOR RECREATION CENTER (IRC)** 39
Recommended Action(s):
 1. **Authorize** the City Manager to Execute a Contract, Subject to Review and Approval by the City Attorney, to Pay for One Half the Cost of a Market Study that would Evaluate the Financial Assumptions Contained in this Proposal; and
 2. **Approve** a \$12,000 Increase in the IRC 2005-2006 Budget to Accommodate this Expenditure.

8. **ADOPT ORDINANCE NO. 1741, NEW SERIES**59
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1741, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A PLANNED UNIT DEVELOPMENT (PUD) FOR A 2.94-ACRE PARCEL LOCATED AT THE NORTHWEST CORNER OF MAST STREET AND RAILROAD AVENUE TO ALLOW CONCRETE BATCHING PLANTS AS A PERMITTED USE IN THE PUD AND SILOS UP TO 70 FEET IN HEIGHT (APN 817-02-064) (ZA-05-06: CITY OF MORGAN HILL – MAST STREET PUD DISTRICT AMENDMENT).**

9. **ADOPT ORDINANCE NO. 1742, NEW SERIES**65
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1742, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1707, NEW SERIES, AMENDING THE DEVELOPMENT AGREEMENT FOR APPLICATION MP-04-02: Monterey – South County Housing (Royal Court) (APNs 764-12-008, -009, -018, & -019) (DAA-04-07: MONTEREY – SOUTH COUNTY HOUSING (ROYAL COURT)).**

10. **ADOPT ORDINANCE NO. 1743, NEW SERIES, AS AMENDED**71
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1743, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING SECTION 18.04.245 OF THE MORGAN HILL MUNICIPAL CODE, ELIMINATING THE STREET FRONTAGE REQUIREMENT TO THE LOT DEFINITION, AND AMENDING SECTION 18.050.200, ELIMINATING THE RESTRICTION ON TANDEM PARKING FOR REQUIRED PARKING SPACES IN THE R-2, R-3, R-4 AND CC/R ZONING DISTRICTS.**

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Consent Calendar: 1 - 10 Minutes	

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| 11. | | <u>ADOPT ORDINANCE NO. 1744, NEW SERIES</u>75
Recommended Action(s): <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1744, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ADDING ARTICLE IV TO CHAPTER 18.54 (CONDITIONAL AND TEMPORARY USE PERMITS) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL, TO ESTABLISH PROVISIONS FOR DOWNTOWN ADMINISTRATIVE USE PERMITS, AND AMENDING SECTION 18.24.030 TO ALLOW FOR ISSUANCE OF SUCH FOR GROUND FLOOR OFFICE AND PERSONAL SERVICE USES LOCATED ALONG MONTEREY ROAD AND THIRD STREET. | 75 |
| 12. | | <u>APPROVE JOINT SPECIAL & REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF OCTOBER 19, 2005</u>83 | 83 |

Redevelopment Agency Action

OTHER BUSINESS:

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| 13. | 30 Minutes | <u>REDEVELOPMENT PLAN AMENDMENT FEASIBILITY STUDY</u>107
Recommended Action(s): <u>Authorize</u> the Executive Director to Issue a Request for Proposal (RFP) for Firms to Prepare a Redevelopment Plan Amendment and the Environmental Assessment Necessary for the Plan Amendment. | 107 |
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FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT